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DEPARTMENT FOR S/CT KEN MCKUNE, NCTC, AND DHS

E.O. 12958: N/A
TAGS: KVPR PTER PREL PGOV PINR CVIS ASEC KHLS KE
SUBJECT: RESPONSE TO REQUEST FOR INFORMATION ON HOST
GOVERNMENT PRACTICES - INFORMATION COLLECTION, SCREENING,
AND SHARING

REF: STATE 133921
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¶1. (SBU) U.S. Mission Kenya provides the following on host
government practices in response to REFTEL.

¶A. Watchlisting:
-- If host government maintains a "watchlist," how many
records
does the watchlist contain, and how many are
terrorist-related?
Answer: The GoK/Immigration has approximately four thousand
(4000)
persons watchlisted and twelve thousand documents. We do not
know how
many of these are terrorist-related.
-- Which ministry or office maintains the watchlist?
Answer: The Kenyan Department of Immigration. Other agency's
may
maintain their own "watchlist" but they have to submit a
request to
Immigration to have the name or document placed on the
"official"
watchlist.

¶B. Traveler Information Collection:
-- What are the country's policies (legislation, mandates,
etc.)
on collecting information from travelers arriving in the
country?
Answer: We do not have specific information.
-- Are there different policies for air, sea, and land entry
and
for domestic flights?
Answer: Not to our Knowledge
-- Who collects traveler information?
Answer: The Kenyan Department of Immigration. They may pass
the
entry/departure cards to the Tourist board for their use.
-- What are the policies of the collecting agency to share
that
information with foreign governments?
Answer: No observed set policy
-- Does the host government collect Passenger Name Record
(PNR)
data on incoming commercial flights or vessels? Is this data
used for intelligence or law enforcement purposes to screen
travelers? Does host government have any existing treaties to
share PNR data?
Answer: The Kenyan Airport Authority (KAA) does receive the
flight

manifests but the information is not passed in a timely manner to
security entities to pre-screen passengers.
-- If applicable, have advance passenger information systems (APIS), interactive advanced passenger information systems (IAPIS), or electronic travel authority systems been effective at
detecting other national security threats, such as wanted criminals?
Answer: No information available.

¶C. Border Control and Screening:
-- Does the host government employ software to screen travelers
of security interest?
Answer: Yes, they use the US funded PISCES system at three airports;
JKIA, Mombasa and Wilson. The system is not deployed at any other
sites. The sites without the PISCES system do not have any computer
systems and the method of data collection is by hand. Each site has
a printed "watchlist", which is only referenced when a traveler is
sent to the Secondary for further questioning.
-- Are all travelers tracked electronically or only non-host-country nationals? What is the frequency of travelers being "waived
through" because they hold up what appears to be an appropriate
document, but whose information is not actually recorded electronically? What is the estimated percentage of non-recorded
crossings, entries and exits?

Answers: At site where the PISCES system is in use approximately 95%
of the travelers are entered into the system. They process all
travelers, local and foreign. It has been observed on many occasions
where the host nation personnel do not enter travelers into the
system if they are in the line to obtain a entry visa and have a
western (US, CAN, EU, JAP, etc.) passport. At the border crossings
many travelers have been observed being waived through as "local
traders". The rough estimate of these types of "local traders"
passing through without being recorded can be as high as 70%.
-- Do host government border control officials have the authority
to use other criminal data when making decisions on who can enter
the country? If so, please describe this authority (legislation,
mandates, etc).
Answer: Immigration has limited access to "other" databases.
However, such access is often based on personal relationships of
individual officers. Depending on the agency that made the discovery
of a suspect individual it might take the involvement of the various
heads of agencies in order for information be shared. The Kenyan
Immigration Act Chapter 172 Laws of Kenya Section 10-16 gives the
Kenya Immigration Department the authority to question, detain or
deny entry into the country under and provides guidelines on the
administration, offenses and legal proceedings. The same section also

confers powers to the Kenya Police Service to perform the functions of
immigrations officers.
 -- What are the host government's policies on questioning, detaining and denying entry to individuals presenting themselves
at a point of entry into the country? Which agency would question, detain, or deny entry?
Answer: Immigration would be the first to "detain" a traveler. They
would then deny them entry and send them back onto the flight they
arrived, pursue prosecution for violations of the "Immigration Act"
or hand them over to the appropriate security office (Criminal
Investigation Division (CID), Anti Terrorist Police Unit (ATPU),
Police, etc.)
-- How well does information sharing function within the host
government, e.g., if there is a determination that someone with a
valid host-government visa is later identified with terrorism,
how is this communicated and resolved internally?
Answer: The identifying office or agency would write a letter to
Immigration and ask that the suspect be added to the "watchlist".
This can be a very slow process and the finial decision to add a
suspect to the "watchlist" is held by the Director of Immigration.

¶D.   Biometric Collection:
-- Are biometric systems integrated for all active POEs? What are the systems and models used?
Anwswer: No, but at the PISCES sites the host nation officials can
take digital fingerprints and photographs in secondary only but
the data is not compared to any database. The users would have to
send the data out for confirmation.
-- Are all passengers screened for the biometric or does the

host government target a specific population for collection (i.e.
host country nationals)? Do the biometric collection systems look
for a one to one comparison (ensure the biometric presented matches the one stored on the e-Passport) or one to many comparison (checking the biometric presented against a database
of known biometrics)?
Answer: Host nation does not have that capibilty.
-- If biometric systems are in place, does the host government know of any countermeasures that have been used or attempted to
defeat biometric checkpoints?
Answer: N/A
-- What are the host government's policies on collecting the fingerprints of travelers coming into the country?
Anaswer: Only those found with immigration offenses are finger-
printed. There is no policy on fingerprinting regular travelers.
-- Which agency is responsible for the host government's fingerprint system?
Answer: The CID, under the Kenya Police Service, is responsible
for the criminal fingerprint system, while the Kenya National Registration Bureau under the Ministry of Immigration and Regristration of Persons collects fingerprints for the issuance
of National Identification Cards.
-- Are the fingerprint programs in place NIST, INT-I, EFTS, UK1

or RTID compliant?
Answer: Unknown
-- Are the fingerprints collected as flats or rolled? Which
agency collects the fingerprints?
Answer: Fingerprints are rolled.

¶E. Passports:
-- If the host government issues a machine-readable passport
containing biometric information, does the host government
share
the public key required to read the biometric information with
any other governments? If so, which governments?
Answer: The host nation passport do not currently contain any
biometric information.
-- Does the host government issue replacement passports for
full
or limited validity (e.g. the time remaining on the original
passports, fixed validity for a replacement, etc.)?
Answer: The GOK issues a (1) one year replacement passport
which
requires the holder to renew the limited validity passport.
-- Does the host government have special
regulations/procedures
for dealing with "habitual" losers of passports or bearers who
have reported their passports stolen multiple times?
Answer: No, there is an annotation on the replacement
passport
stamped in by Kenyan Immigration indicating that the holder
was
previously issued a passport and the previously issued
pasport
number.
-- Are replacement passports of the same or different
appearance
and page length as regular passports (do they have something
along the lines of our emergency partial duration passports)?
Answer: The replacement passports are the same in appearance
and
page length of regular passports, with a stamp indicating the
previously issued passport.
-- Do emergency replacement passports contain the same or
fewer
biometric fields as regular-issue passports?
Answer: Same.
-- Where applicable, has Post noticed any increase in the
number
of replacement or "clean" (i.e. no evidence of prior travel)
passports used to apply for U.S. visas?
Answer: No. Kenyan citizens are aware of the fingerprint scan
required
during the visa interview process and its ability to cross
reference
previous applications. Passports are either newly issued or

older
passports are provided.
-- Are replacement passports assigned a characteristic number
series or otherwise identified?
Answer: Replacement passports are characterized by the
stamped
annotation from Kenyan Immigration indicating the bearer was
previously issued a passport and it will only be valid for
(1) one
year.

¶F. Fraud Detection
- How robust is fraud detection and how actively are
instances
of fraud involving documents followed up?
Answer: The host government will follow up on all requests
from post's
fraud detection unit; however, post would spend too much time
following
up on all instances of fraud involving fraudulent documents
so
applicants who provide questionable documents are denied
during the

visa interview and post maintains files to identify specific
trends.
-- How are potentially fraudulently issued documents taken
out
of circulation, or made harder to use?
Answer: Documents are not taken out of circulation and Kenya
has a
number of document vendors that will sell forged or poorly
copied
documents even after they are identifiable by Kenyan
authorities and
post officials.

¶G. Privacy and Data Security
-- What are the country's policies on records related to the
questioning, detention or removal of individuals encountered
at
points of entry into the country? How are those records
stored,
and for how long?
-- What are the country's restrictions on the collection or
use
of sensitive data?
-- What are the requirements to provide notice to the public
on
the implementation of new databases of records?
-- Are there any laws relating to security features for
government computer systems that hold personally identifying
information?
-- What are the rules on an individual's ability to access
data
that homeland security agencies hold about them?
-- Are there different rules for raw data (name, date of
birth,
etc.) versus case files (for example, records about
enforcement
actions)?
-- Does a non-citizen/resident have the right to sue the
government to obtain these types of data?
Answer: Unknown.

¶H. Immigration Data Bases:
-- What computerized immigration databases are used to track
entries and exits?
Answer: PISCES and MSAccess
-- Is the immigration database available at all ports of
entry
(POEs)?
Answer: No.
-- If immigration databases are available at some POEs,
but not all, how does the host government decide which POEs
will
receive the tool?
Answer: PISCES in deployed and in use at; JKIA, Mombasa and
Wilson
(NBO) Airports. Where PISCES is in use in a function of US
funding
of the project.
-- What problems, if any, limit the effectiveness of the
systems? For example, limited training, power brownouts,
budgetary restraints, corruption, etc.?

Answer: Power availability and brownouts, limited budgets and
corruption are all issues.
-- How often are national immigration databases updated?
Answer: Where PISCES is installed it occurs in near real-time.

¶I. Watchlist and Information Sharing:
-- Is there a name-based watchlist system used to screen
travelers at POEs?
Answer: Yes, at sites where PISCES is installed it is via
computer
software and at other sites it is in written form generated
with
MSAccess and delivered to the site.
-- What domestic sources of information populate the

name-based
watchlist, i.e. names of deported persons, terrorist lookouts,
criminal wants/warrants?
Answer: All of the above mentioned
-- What international watchlists do the host government use
for
screening individuals, e.g. Interpol or TSA No Fly lists, UN,
etc.?
Answer: The Host nation does have access to the Interpol
database
but not at the POE. The host nation has not entered the
Interpol
data in the PISCES system. The Airlines have access to the
TSA No

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Fly lists but it appears that the host nation officials do
not.
-- What bilateral/multilateral watchlist agreements exist
between host government and its neighbors?
Answer: Unknown.

¶J. Biometrics:
-- Are biometric systems in place at ports of entry (air,
land,
sea)? If no, does host government have plans to install such
a
system?
Answer: No and unknown.
-- If biometric systems are available at some POEs, but not
all,
how does the host government decide which POEs will receive
the
tool?
Answer: N/A
-- What biometric technologies, if any, does the host
government
use, i.e. fingerprint identification, facial recognition, iris
recognition, hand geometry, retinal identification, DNA-based
identification, keystroke dynamics, gait analysis? Are the
systems ICAO compliant?
Answer: N/A
-- Does the host government issue a machine-readable passport
containing biometric information? If e-Passports are issued,
what biometric information is included on the document, i.e.
fingerprint, iris, facial recognition, etc? If not, does host
government plan to issue a biometric document in the future?
When?
Answer: The Host nation does not currently issue
machine-readable
passportcontaining biometric information. The host nation
just
awarded a tender for a new passport issuance system and it
does
not currently include biometrics. It is unknown when the host
nation will have a system to issue passport containing
biometric
information.

¶K. Identifying Appropriate Partners:
Department would appreciate post's assessment of whether host
government would be an appropriate partner in data sharing.
Considerations include whether host government watchlists may
include political dissidents (as opposed or in addition to
terrorists), and whether host governments would share or use
U.S.
watchlist data inappropriately, etc.
Answer: In recent years Kenya has emerged from a long period
in
which political oppression was common. While the government
has
largely moved away from many such practices it is yet to be
seen

if the reforms will be permanent. The question of whether or
not
the Kenyan government would be an appropriate partner for data

sharing would require careful evaluation, with a close eye on
the
attitudes and practices of whoever wins the upcoming
presidential
elections.
-- Are there political realities which would preclude a
country
from entering into a formal data-sharing agreement with the
U.S?
Answer: Very possible, as counterterrorism in general and
accusations of "profiling" and "targeting" of Muslims are
major
political issues.
-- Is the host country's legal system sufficiently developed
to
adequately provide safeguards for the protection and
nondisclosure of information?
Answer: Legal safeguards are not fully developed.
-- How much information sharing does the host country do
internally? Is there a single consolidated database, for
example? If not, do different ministries share information
amongst themselves?
Answer: The information sharing function within the
government
is still wanting. There are no formal standard operating
procedures
for sharing of information and therfore consistency is
lacking.
-- How does the country define terrorism? Are there legal
statutes that do so?
Answer: There is no fixed legal definition of terrorism.
This was
one of the features of the counter terrorism legislation that
is
languishing in the Parliament.

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